

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JAMES CONTANT, <i>et al.</i> , Plaintiffs, v. BANK OF AMERICA CORPORATION, <i>et al.</i> , Defendants.	Civil Action No. 17-cv-3139-LGS (related to No. 13-cv-7789-LGS)
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DECLARATION OF JAMES CONTANT

I, James Contant, declare as follows:

1. I am an individual over the age of 18 who resides in New York. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. I am a named plaintiff and class representative in *Contant et al. v. Bank of America Corp.*, No. 17-cv-3139-LGS, in the United States District Court for the Southern District of New York. I submit this affidavit, on behalf of myself and the settlement classes, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

3. As a class representative, I understand that it is my responsibility to be apprised of the work done by my attorneys on the case and make my own judgment about the fairness of any settlement proposed by the lawyers. In evaluating the fairness of a settlement, I am required to consider the interests of all members of the Class. I am free to disagree with my attorneys about the merits of a settlement and make my views known to the Court.

4. I have reviewed the terms of the settlements with Defendants. I have discussed those terms with my attorneys, and I am aware of and approve all terms of the proposed settlements, as it affects me and the members of the Class. I understand that if the pending settlements are approved, it will bring an end to this litigation on behalf of the indirect

purchaser classes.

5. Based upon my reading of the settlements and Court-ordered notices, and my discussions with counsel, I understand that if the pending settlements and plan of allocation are approved, there will be a combined Settlement Fund of approximately \$23.63 million from which members of the settlement classes will receive payments. I understand that Court- approved costs of notice and settlement administration, attorneys' fees, litigation expenses, and participation awards will be deducted from the Settlement Fund.

6. I believe that together the proposed settlements achieve significant relief for the Classes and are a great result compared to the risks and delay associated with a complex and costly trial. In addition, I recognize that if a trial were held, there is no guarantee that the Classes would succeed on the claims presented in this litigation. Thus, the settlements permit an immediate recovery to class members without the risk, delay, and expense of trial. Based upon my understanding of the class claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I believe the settlements are fair, adequate and reasonable, and in the best interests of class members.

7. I have diligently performed my duty to assist Class Counsel in prosecuting this case, investing a significant effort to complete specific tasks to benefit the lawsuit and fulfill my role as a class representative.

8. I responded to Defendants' discovery requests by searching my digital and paper files for responsive documents. This included retaining information on my computers and then working with my attorneys to harvest those documents (including information from trading software) and have them produced to Defendants. It also included searching through hard copy information such as trading records, and providing that to my attorneys for review and production to Defendants. I spent at least 15 hours searching for and collecting documents and information for the litigation and/or communicating with counsel about the document requests.

9. I was deposed by Defendants. Prior to my deposition, I spent time preparing by reviewing documents and meeting with my attorneys for approximately 17 hours. On December 17, 2019, I spent 5 hours being questioned by Defendants.

10. I have been responsive to Class Counsel's requests for information throughout the case and remained in regular contact by phone and email to discuss various aspects of the litigation, including updates on progression of the litigation and material events in the case. I have reviewed and commented on documents (including the various consolidated amended class complaints), read case updates, asked questions, and provided information, assistance and documentation as needed.

11. I have also spent approximately 11 hours reviewing and communicating about the settlements with my attorneys.

12. In total, I estimate that I have spent at least 58 hours over the three years, performing duties on behalf of the class.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 07 / 22 / 2020, in Webster, New York.

James S Contant

JAMES CONTANT



Audit Trail

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The document has been completed.